

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

NORMAN ORENTREICH, M.D.,

Plaintiff,

v.

WAYNE RICHARD,

Defendant.

CIVIL ACTION No. 04-11349-RGS

JOINT MOTION TO CONTINUE TRIAL

Plaintiff Norman Orentreich, M.D. ("Dr. Orentreich"), Craig R. Jalbert, Liquidating Trustee (the "Liquidating Trustee") (to whom the claims in this action recently have been assigned), and Defendant Wayne Richard ("Mr. Richard") jointly move this Court to continue the trial currently scheduled for July 24, 2006 and all related pretrial deadlines for a period of approximately 90 days. As grounds therefor, the moving parties state as follows:

1. As explained in greater detail in the contemporaneously filed Assented-To Motion To Substitute Craig R. Jalbert, Liquidating Trustee, As Plaintiff (the "Substitution Motion"), pursuant to a Chapter 11 plan of reorganization that was confirmed on June 13, 2006, and became effective on June 27, 2006, the claims in this action originally brought by Dr. Orentreich have within the last two weeks been deemed assigned to the Liquidating Trustee.

2. The Liquidating Trustee needs further time to familiarize himself with the matter, and the Liquidating Trustee and Mr. Richard need further time to explore the possibility of settlement in light of the substantial change in the dynamics of this action occasioned by the confirmation of the plan of reorganization and the assignment of the claims to the Liquidating Trustee, who is a fiduciary for the interests of all general unsecured creditors in the underlying bankruptcy case.

3. Pending approval of the Substitution Motion, Dr. Orentreich technically remains a party in this case, and he joins with the Liquidating Trustee and Mr. Richard in seeking a 90 day continuance.

4. The Liquidating Trustee and Mr. Richard are desirous of settling this action (and various other disputes or potential disputes between them) and have commenced negotiations. They believe that a 90 day continuance will afford sufficient time for them to explore that possibility and hopefully reach a comprehensive settlement agreement.

WHEREFORE, Dr. Orentreich, the Liquidating Trustee, and Mr. Richard request that this Court continue the trial currently scheduled for July 24, 2006 and all related pretrial deadlines for a period of approximately 90 days.

NORMAN ORENTREICH, M.D.

By his attorneys,

/s/ Paul D. Moore

Paul D. Moore (BBO# 353100)

Bronwyn L. Roberts, (BBO# 638079)

Jennifer L. Hertz (BBO# 654081)

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CRAIG R. JALBERT, Liquidating Trustee

By his attorneys,

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WAYNE RICHARD

by his attorney,

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Dated: July 12, 2006

Local Rule 7.1 Certification

I, Paul D. Moore, counsel for plaintiff Norman Orentreich, M.D., hereby certify that I have conferred with counsel for all parties in this action and that all parties have indicated their assent to this motion.

/s/ Paul D. Moore
Paul D. Moore

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CERTIFICATE OF SERVICE

I hereby certify that true and accurate copies of the following, which were filed via the Court's ECF system, will be sent electronically by the ECF system to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on July 12, 2006:

1. Joint Motion To Continue Trial; and
2. this Certificate of Service.

/s/ Paul D. Moore

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July 12, 2006